IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

FRIDAY, THE 13TH APRIL 2007 / 23RD CHAITHRA 1929

WP(C).No. 31632 of 2006(N)
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PETITIONER:
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JAYAKUMAR.V., AGED 48 YRS.,
S/O.VASUDEVA KURUP, NANATTU HOUSE,
KOKKOTHAMANGALAM VILLAGE, MARUTHORVATTOM P.O.,
CHERTHALA, ALAPPUZHA DISTRICT.

BY ADV. SRI.K.RAMANATHAN

RESPONDENTS:
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1. NARAYANANKUTTY,
UDANACHAMPARAMBU, MARUTHORVATTOM P.O.,
CHERTHALA, ALAPPUZHA DISTRICT.

2. UNNIKRISHNAN, S/O.KUTTAN NAIR,
THATTUPURACKAL HOUSE, MARUTHORVATTOM P.O.,
CHERTHALA, ALAPPUZHA DISTRICT.

3. INDIRA, W/O.MADHUSOODANAN NAIR,
MYLADICHIRA (IMA) MARUTHORVATTOM PO.,
CHERTHALA, ALAPPUZHA DIST.

4. THE SUB INSPECTOR OF POLICE,
CHERTHALA POLICE STATION, CHERTHALA,
ALAPPUZHA DIST.

5. THE CIRCLE INSPECTOR OF POLICE,
CHERTHALA POLICE STATION, CHERTHALA,
ALAPPUZHA DIST.

6. STATE OF KERALA, REPRESENTED BY
CHIEF SECRETARY, THROUGH GOVERNMENT PLEADER,
HIGH COURT OF KERALA.

ADDL. 7. SECRETARY, CHERTHALA MUNICIPALITY, CHERTHALA,
ALAPPUZHA.

(ADDL.R7 IS IMPLEADED AS PER ORDER DATED 4.1.07 IN I.A.NO.17845/06)

BY ADV. SRI.V.K.PRAVEEN FOR R1 AND R3
SRI.J.OM PRAKASH FOR ADDL.R7
R4 TO R6 BY G.P.SRI.P.A.SALIM

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: THE TRUE COPY OF THE TAX RECEIPT OF THE SAID PROPERTY IN THE NAME OF THE PETITIONER (NO.3357326)

EXT.P2: TRUE COPY OF THE REVISED PLAN (FINAL PLAN) OF THE SAID BUILDING, WHICH IS APPROVED BY THE CHERTHALA MUNICIPALITY. (REF.NO.:BA 508/2004/05)

EXT.P3: THE TRUE COPY OF THE SANCTION FOR THE CONSTRUCTION OF THE PROPOSED DWELLING HOUSE OF THE PETITIONER, AS APPROVED BY THE CHERTHALA MUNICIPALITY (REF.NO.BA 508/2004/05)

EXT.P4: THE TRUE COPY OF THE SANCTION GRANTED BY THE MUNICIPALITY TO THE PETITIONER FOR CONSTRUCTING THE COMPOUND WALL DATED 14.12.2005.

EXT.P5: THE TRUE COPY OF THE COMPLAINT BEFORE THE 4TH RESPONDENT DATED 21.10.206.

EXT.P6: TRUE COPY OF THE CONCERNED RECEIPT OF ACKNOWLEDGEMENT OF EXHIBIT P5 DATED 21.10.2006.

EXT.P7: THE TRUE COPY OF THE COMPLAINT BEFORE THE 5TH RESPONDENT DATED 19.11.2006.

EXT.P8: TRUE COPY OF THE CONCERNED RECEIPT OF ACKNOWLEDGEMENT OF EXHIBIT P7 DATED 19.11.2006.

EXT.P9: ORIGINAL PHOTOGRAPH SHOWING THE ALREADY CONSTRUCTED COMPOUND WALL ON THE EASTERN SIDE OF THE PETITIONER'S PROPERTY.

EXT.P10: ORIGINAL PHOTOGRAPH SHOWING THE ALREADY CONSTRUCTED COMPOUND WALL ON THE NORTHERN SIDE OF THE PETITIONER'S PROPERTY.

RESPONDENTS' EXHIBITS:

EXT.R1(a): TRUE COPY OF REPRESENTATION DATED 22.10.2006.

EXT.R1(b): TRUE COPY OF CAVEAT O.P.NO.75/2006 BEFORE THE MUNSIFF'S COURT, CHERTHALA.

EXT.R1(c): TRUE COPY OF PHOTOGRAPH OF THE NORTHERN SIDE OF THE PROPERTY SHOWING THE DEBRIS IN THE GROOVE AND THE LATERITE STONES INDICATING THAT THE WALL THAT HAD BEEN CONSTRUCTED WAS DEMOLISHED BY THE PETITIONER HIMSELF.

// TRUE COPY //

TKS

**J.B.KOSHY & T.R.RAMACHANDRAN NAIR, JJ.**

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W.P.(C)No.31632 OF 2006

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Dated 13th April, 2007

**JUDGMENT**

**Koshy,J.**

This is a petition for police protection for completing the construction of compound wall of the petitioner's property. Cherthala Municipality is made as 7th respondent. Apprehension of respondents 1 to 3 is that by construction of the compound wall, petitioner may encroach the road in front of the building. Therefore, the construction shall be carried out under the supervision of the Municipality and Municipality should see that no encroachment is taken place. If respondents 1 to 3 have any further objection, it is for them to approach the civil court and get appropriate orders. In the absence of any prohibitory orders, if the compound wall is constructed under the supervision of the Municipality, police shall give adequate protection.

The writ petition is disposed of accordingly.

**J.B.KOSHY**
**JUDGE**

**T.R.RAMACHANDRAN NAIR**
**JUDGE**

tks